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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/01/2005

Serge Fdida

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OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER

JUNG, MIN

ART UNIT

PAPER NUMBER

2616

NOTIFICATION DATE

DELIVERY MODE

09/12/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@ORTPATENT.COM

Office Action Summary	Application No. 10/523,339	Applicant(s) FDIDA ET AL.	
	Examiner Min Jung	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The newly presented claims are replete with tangled sentences, and therefore, render claims indefinite and hard to understand.

In claim 12, preamble, it is not clear whether the phrase “using protocol” modifies “communication networks”, “classifying”, “detected”, or something else? It is also not clear whether “each” was meant as ‘each protocol’, ‘each connection’, or something else? Further, it seems that the phrase “operated by said computing system” is misplaced.

In claim 12, lines 9-11, it is not clear if “each used protocol name” is the one “referred to as father protocol”. If so, then, it is unclear how it distinguishes from the recitation “....potentially used protocol names referred to as list of son protocol names”.

In claim 12, lines 12-13, it is not clear how the phrases are associated with the rest of the claim recitation - it seems that “and for each detected connection, by a computing kernel operated by said computing system” is misplaced or misused.

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In claim 12, lines 17-28, the steps of “constructing said first data structure...” seems misplaced because it seem that the “associating” step recited ahead of the “constructing” step required the constructed first data structure. Further, it is not clear how the collection of phrases spanning twelve lines should be read – it is not clear if construction of the phrase is such that the meaning is, in essence, “constructing said first data structure BY searching---, BY discriminating---, BY appending---, and BY starting---“. It seems that, from the meaning, at least the “discriminating” step seems to be modifying the “searching” step, and that the “starting” step doesn’t seem to clearly modify either the “constructing” step or the “searching” step.

In claim 15, line 3, it seems that “or” (second occurrence) should be changed to “of”.

In claim 18, lines 3-6, it is not clear what is meant by “gathering in data packets---“. Does it mean that data packets are gathered, or the useful information included in the data packets are gathered, the useful information is gathered and put into a data packet, or something else? It is also not clear “what?” is to be detected.

In claim 18, lines 13-15, it is not clear “what” is being gathered – is it “the data packets”, or “the useful information”?

In claims 19, 20, and 22, preamble, it is not clear “what” is being included in the method?

In claim 20, lines 5 and 8 respectively, it is not clear if the phrases “and for each dynamic connection protocol name detected;” and “and if a subsequent connection exists;” are phrases describing precondition for the “submitting” step and the

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“associating” step, respectively, which follow these phrases? If they are, then, they should be placed and integrated with the related steps to convey the intended meaning.

In claim 21, it is not clear what is the object of the verb “including”?

Response to Arguments

3. Applicant's arguments filed July 1, 2008 have been fully considered but they are not persuasive. The response to the rejection under 35 USC 112 is not persuasive because the newly filed claims 12-22 replaces the rejected claims 1-11, but continues to have indefiniteness in language and claim structure, as addressed above.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 571-272-3127.

The examiner can normally be reached on Monday through Friday 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Min Jung/
Primary Examiner, Art Unit 2616